IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Bail Appl..No. 1191 of 2007()

CRIME NO.29/07 OF RAJAPURAM POLICE STATION

: PETITIONER/ACCUSED

JOSEPH @ JOY, AGED 48 YEARS,
S/O.VARGHESE, MAVUNGAL, PANATHUR VILLAGE,
HOSDURG TALUK.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
STATION HOUSE OFFICER, RAJAPURAM POLICE
STATION, HOSDURG TALUK, THORUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1191 OF 2007

Dated this the 1st day of March, 2007

O R D E R

Petitioner, who is the accused in Crime No.29/2007 of Rajapuram Police Station for an offence punishable under Section 376 IPC, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the de facto complainant, now aged 40 years, is that about 15 years ago while she was working as a housemaid in the house of the petitioner, the petitioner ravished her and impregnated her resulting in the birth of a male child on 11.3.1992 and that her consent to the sexual intercourse was obtained on a false promise to marry her.

4. Anticipatory bail cannot be granted in a case of this nature. But having regard to the facts and circumstances of the case, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then have his application for regular bail ordered by the Magistrate having jurisdiction. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 7.3.2007 and 9.3.2007 for the purpose of interrogation and potency test. The petitioner shall, thereafter, be produced on the same day before the concerned Magistrate, who shall release the petitioner on bail on appropriate conditions.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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